

MINUTES OF THE TOWN BOARD MEETING OF JUNE 8, 2016

PRESENT: Supervisor Edward Fairbrother
Council Andy Gillette
Bob Adams
Lee Giammichele
Mike Saglibene
Attorney Thomas Reilly
Clerk Linda Cross

Supervisor Fairbrother opened the Town Board meeting at 4:30 p.m., and requested those present to participate in the Pledge of Allegiance.

Presentation to the Town Board – Junior Girl Scout Troop 40289

RE: Donation of recycling bins for the Community Center

Presentation to the Town Board – Big Flats Elementary 4th Graders (4:30-5:00 p.m.)

RE: Community Park Extension Playground

CONCERNS OF THE PEOPLE - None

REPORTS

Supervisor Fairbrother stated the following reports for May 2016 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Supervisor's Fund Balance Monthly Report, Youth Department Monthly Report, Department of Public Works Monthly Report, Code and Planning Department Monthly Report, Community Center Monthly Report, Court's Monthly Report, Dog Control's April Monthly Report

UNFINISHED BUSINESS

RESOLUTION NO. 163-16 2016 SUMMER T.A.F.F.Y. EMPLOYEES AMENDED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS the Big Flats Youth Services Department will be hosting the Summer TAFFY Program and the Town Board adopted Resolution No. 149-16 appointing the employees, and

WHEREAS the Youth Services Coordinator, in a memo dated June 1, 2016 requests the Town Board amend the employees, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board amends the Summer TAFFY employment:

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RESOLUTION NO. 163-16, 2016 SUMMER T.A.F.F.Y. EMPLOYEES AMENDED continued

- Remove: Rhett Seeley (Recreation Attendant) he received an Internship at the American Red Cross.
- Appoint: Nicholas Detrick as Park Councilor at \$9.00 an hour
Grace Seeley as now the Recreation Attendant at \$9.10 an hour

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 164-16

MAY ABSTRACT #2 OF AUDITED VOUCHERS DATED MAY 25, 2016 AMENDED

Resolution by: Giammichele
Seconded by: Adams

RESOLVE that the Town of Big Flats approve the Amendment abstract #2 of Audited Vouchers dated May 25, 2016 to include a pre-payment to Thyssenkrupp Elevator Corporation, for the following:

GENERAL FUND	\$ 1,449.50
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CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

NEW BUSINESS

RESOLUTION NO. 165-16

ABSTRACT OF AUDITED VOUCHERS FOR JUNE 8, 2016 APPROVED

Resolution by: Adams
Seconded by: Saglibene

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for June 8, 2016, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 24,107.59
HIGHWAY FUND	\$ 24,085.98
WATER DISTRICT #4	\$ 171.30
WATER DISTRICT #5	\$ 10,984.22
TRUST FUND	\$ 1,985.57

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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RESOLUTION NO. 166-16
ATTENDANCE TO NYS MAGISTRATE CONFERENCE, JUDGE HART AND JUDGE
HESS, SEPTEMBER 25-28 APPROVED

Resolution by: Saglibene

Seconded by: Gillette

WHEREAS New York State Magistrates Association (NYSMA) offers training and an annual meeting that is to assist in the training for Town Justices, and

WHEREAS said conference is held annually with representatives of New York State offices offering sessions for updates on Core A and B Programs that effect the daily operations of the Town Court, and

WHEREAS Judge Paul Hart, and Judge Lisa Hess requested to attend the three-day training at Lake Placid, NY, September 25th – September 28th, 2016, and

WHEREAS at a package price of \$687.75 per person, plus travel expenses, and NYS Magistrates fee, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (19) and as such no further action is necessary regarding the same, now

THEREFORE, BE IT RESOLVED the Town Board authorizes, Judge Paul Hart, and Judge Lisa Hess to attend the 2016 NYS Magistrate Training and Annual Meeting to be held at Lake Placid, NY, September 25 -28, 2016, with all appropriate expenses, to be paid from the appropriate budgets.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother

NAYS: None

RESOLUTION NO.167-16
SURPLUS DECLARATION APPROVED

Resolution by: Gillette

Seconded by: Giammichele

WHEREAS it has been determined that the items on the attached list should be declared as surplus, and

WHEREAS for environmental purposes, the sale of surplus government equipment is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (25) and as such no further action is necessary regarding the same, now

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RESOLUTION NO.167-16, SURPLUS DECLARATION APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the attached listed items to be sold as surplus.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

2016 Surplus

Parks

1. 2 Blowers
2. 318 John Deer Lawn Tractor with Plow, and Lawn Trailer
3. Miscellaneous Softball Items

Town Hall

1. Brother Printer MFC-9840CDW
2. HP Office Jet Pro K550

RESOLUTION NO. 168-16
SHARED SERVICE AGREEMENT BETWEEN NYSDOT AND TOWN OF BIG FLATS
APPROVED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS the DPW Commissioner and Deputy Commissioner find it in the best interest of the Town to enter into Shared Service Agreement with NYSDOT, and

WHEREAS said Agreement was requested by NYSDOT, and intent of the agreement will allow NYSDOT to assist Town of Big Flats in the event our resources become exhausted during a future emergency event, and

WHEREAS in the absence of a Governor's Emergency declaration and/or suspension of Highway Law §55, with having said Shared Service Agreement in place will allow assistance during future emergencies, including snow and ice emergencies, and

WHEREAS requested assistance would be made through the County's Emergency Manager, and

WHEREAS services provided by the State, the Town of Big Flats would provide equal value services by loaning our sweeper, tree shear, grader, or other needed equipment, and

WHEREAS no cash would change hands, but per the agreement shared service(s) shall not exceed \$10,000, and

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RESOLUTION NO. 168-16, SHARED SERVICE AGREEMENT BETWEEN NYSDOT AND TOWN OF BIG FLATS APPROVED continued

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

WHEREAS the Town of Big Flats is aware that no less than thirty (30) days' notice of its intent to extend Agreement, and either party may revoke Agreement by providing sixty (60) days written notice of such revocation. Upon revocation, all outstanding obligations of the parties must be satisfied within thirty (30) days of revocation, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the DPW Commissioner, and/or Deputy Commissioner to sign on behalf of the Town, the following Shared Service Agreement from June 8, 2016 to June 7, 2020 between NYSDOT and Town of Big Flats.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 169-16
PUBLIC HEARING FOR LOCAL LAW NO. 2 OF 2016, TO AMEND LOCAL LAW NO. 1
OF 2016 ZONING AMENDMENT SET

Resolution by: Adams
Seconded by: Saglibene

WHEREAS, the Town of Big Flats Code Enforcement Officer and the Town of Big Flats Attorney recommended a Zoning Amendment which was designated Local Law No. 1 of 2016 regarding a definition of a Hobby Farm and setting the restriction of certain animals to only rural (RU), and conservations (C) zones and said amendment was approved and designated as Local Law No.1 of 2016 by the Town Board at a meeting held on February 24, 2016 (Resolution 90-16), and

WHEREAS after that meeting certain residents attended the next board meeting expressing request that law be changed to allow bee keeping under certain circumstances and thereafter further review of Local Law 1-2016 was done by the Town of Big Flats Code Enforcement Officer and the Town of Big Flats Attorney to consider amendments to that law to address bee keeping and also the allowance of chickens in the Town with restrictions, and

WHEREAS, the following memorandum was issued suggesting amendments to Local Law No 1 of 2016:

MEMORANDUM

TO: Town of Big Flats Town Board
FROM: Timothy C Gilbert, CFM Code Enforcement Officer
DATE: April 28, 2016
SUBJECT: Public Hearing/ Hobby Farm Definition Draft Minor Zoning Amendment

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The Town Board recently passed Local Law No. 1 of 2016 to add the definition “Hobby Farm” to the BFZL definitions and depicting where “Hobby Farm” is allowed within the town in the use table 17.12.010.

During the subsequent Town Board meeting, there were a few residents that voiced concerns regarding privately owned honey bee apiaries and the keeping thereof. Additionally, few residents voiced their concerns regarding the regulation of chickens within the town. Following a meeting with the Town Supervisor, Town Attorney, Councilman Adams, and Mr. Lenny Boulas it was recommended that honey bee apiaries and chickens be considered town wide (but reasonably regulated).

The intent is to allow “backyard” chickens for personal use in a manner that would not decrease property values, quality of life, or harm the environment in regards to private wells, disease, insects, or unpleasant odors.

Waste Management

Proper manure management is essential in controlling disease risk, odors, and flies. Most concerns regarding poultry waste are related to the quantities produced on large-scale farms. Small-scale operations, as well as backyard flocks, can also contribute to environmental pollution if they have high bird density and poor manure management. Most city ordinances restrict the number of birds allowed in a backyard flock. It is also rare for urban centers to be situated near important water reservoirs. This dramatically reduces the risk of environmental pollution from backyard flocks. The weight of fresh manure output is about 115% of the total dry feed intake. So, to estimate the amount of manure a flock will produce, you can multiply the flock's total feed consumption and multiply by 1.15. (A hen typically eats a quarter pound of feed a day.) Fresh manure is 75% water, and some of the moisture will evaporate from manure accumulating in a poultry house. It is important to keep the manure dry. By keeping the litter dry, only about one-third of the calculated weight of the fresh manure will remain. Composting the used bedding produces an excellent fertilizer for vegetable or flower gardens.

Staff Comment: Proper handling of chicken manure (see above) can be used as fertilizer and would not likely harm the environment and/or aquifer.

It is recommended that the following become Proposed Local Law No. 2 of 2016 to amend Local Law No. 1 of 2016

“17.04.060 Definitions

- Modify the definition “Hobby Farm” to the 17.04.060 to include:
 - 1) Allowing (6) six or less chickens that comply with a list of minimum requirements in sub-section (d)
 - 2) Adding “Roosters” to the list of “farm animals” not allowed
 - 3) Removing “Bee Keeping” from the list of “farm animals” not allowed
 - 4) Adding “Bee Keeping” to sub-section (c); thereby, allowing privately owned aeries

Proposed Definition Changes (Highlighted):

☐ Hobby Farm means any use accessory to the principal use involving the raising or gathering of farm animals for any purpose. (a) As used in this definition, farm animals consist of Horses, Cows, Llamas, Donkeys, Mules, Goats, Sheep, Chickens see (d), Roosters, Ducks,

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Geese, Turkeys, Poultry, (Strike Bee Keeping), Livestock of any kind, etc. (b) Any animal other than those commonly considered to be domestic pets such as dogs, cats, parakeets, house rabbits, aquatic and similar animals whose primary residence is inside the house located on such property which is utilized by the owners of said property as a residence shall be considered noxious and offensive uses of property, and as such constitute a nuisance. (c) The term farm animals does not include Bee Keeping (in compliance with Article 15 of the NYS Agriculture and Markets Law), agri-business, agricultural animal, agricultural plant, commercial stable, private stable, factory farm, feedlot, kennel, and slaughterhouse. (d) Hens and chickens shall be permitted as follows:

1. Chicken coops shall be a minimum of 10ft from any property line, shall not be located in any front yard, and shall be located at least 100 one hundred ft. from any well. Chickens shall not be allowed to roam freely in any front yard or beyond the property line and shall be confined to a coop at night.
2. No chickens shall be raised, harbored or gathered on any property smaller than 6,000sq ft.
3. Not more than four (4) hens and/or chickens located on lots less than 15,000 thousand sq. ft. not located within a RU (rural) or C (conservation) zone
4. Not more than six (6) hens and/or chickens located on lots less than one (1) acre not located within a RU (rural) or C (conservation) zone
5. All chicken litter and manure and any material conducive to the breeding of flies, or which would create any offensive odor, that is removed from the chicken run or coop, shall be placed in sealed compost bins, air-tight containers, or air-tight bags until entirely removed from the premises or turned under the soil surface as fertilizer.
6. No property shall improperly harbor, raise, or gather chickens/by-product in a manner which may cause or found to have caused disease, odors, aquifer contamination, etc., or deemed to be a nuisance.

Add the accessory use "Hobby Farm" to the accessory use table and permit such use as of right only in the rural RU and conservation C zones."

Comment: It is understood that the board may consider allowing small quantities of "privately owned chickens" within the town. Additionally, my understanding is that the Town Board is considering allowing "privately owned apiaries" town wide.

Recommendations:

The board discuss this memo at the next town board meeting and make a recommendation to modify or move forward.

The above modifications would allow privately owned "bee keeping" and "back-yard" chickens "Town Wide". It proves difficult to enforce/regulate different requirements based on lot size. Therefore, a basic lot size consistent with various existing lot sizes within the town has been considered. If the town board wishes to peruse with the proposed changes, I will move forward with the paperwork for May board meetings, and

WHEREAS, the Town of Big Flats Planning Board has reviewed the attached Memo provided by the Code and Planning office which found reasonable facts to support said Zoning Amendment, and

WHEREAS, Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment, and

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WHEREAS, Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Town Board on its own motion to amend the requirements in the BFZL, now

BE IT THEREFORE RESOLVED, this Board sets a Public Hearing for Proposed Local Law No. 2 of 2016, to amend Local Law No. 1 of 2016 Zoning Amendment on June 22, 2016 at 7:00 PM, or as soon thereafter.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 170-16
COMMUNICATION LOG FOR JUNE 8, 2016 APPROVED

Resolution by: Saglibene
Seconded by: Gillette

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

May 26, 2016

Time Warner Cable (2) – RE: Charter Communications, Inc. *Referred to: Town Board, and filed with Town Clerk.*

June 1, 2016

Time Warner Cable (now Charter Communications) RE: June 1, 2016 Programming Notice Changes *Referred to: Town Board, and filed with Town Clerk.*

June 2, 2016

Big Flats Business Association RE: Minutes for June 1, 2016 *Referred to: Town Board, and filed with Town Clerk.*

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 171-16
DECLARATION THAT MAY 27, 2016 TO BE KNOWN AS “ROBERT ADAMS DAY”
APPROVED

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS Robert Adams, past owner of Willow Creek Golf Course has retired after 27 years of owning Willow Creek Golf Course, and

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RESOLUTION NO. 171-16, DECLARATION THAT MAY 27, 2016 TO BE KNOWN AS
“ROBERT ADAMS DAY” APPROVED

WHEREAS Robert Adams supported the First Tee program for youth in our area learning the ethics and how to play golf for several years, and

WHEREAS Robert Adams hosted several golf tournaments, raising thousands of dollars each year for local charities, and

WHEREAS on May 27, 2016 a retirement celebration was held at Willow Creek Golf Course, and

WHEREAS at Proclamation was read on behalf of the Big Flats Town Supervisor honoring Robert Adams with said proclamation, and

THEREFORE, BE IT RESOLVED that the Big Flats Town Board declares that May 27, 2016 be known as Robert Adams Day, honoring Robert Adams for his twenty-seven years of service and commitment to the Big Flats Community.

CARRIED: AYES: Gillette, Giammichele, Saglibene, Fairbrother

NAYS: None

ABSTAINED: Adams

Supervisor Fairbrother also commented on:

- Water Department – You can view and pay your water bill now on our website at
 - www.bigflatsny.gov
- I86 update
- Water pump station – Building Block is up roof is on.
- Parking at park for Tags concert, raised \$2,950.
- Shared services with Catlin and Millport on water billing
- Training June 3rd from Hayler Fryer and Coon at no cost
- June 9th Open House at the Community center
- Solar – Will start looking at for the future
- Town complex flowers – we have 2 proposals at this time
- BOAR – only had 2 for grievance day.
- PA system at Community Center – looking at different options at this time.
- Paving – County Line Drive, Hillview area at this time.

Supervisor Fairbrother made a motion, seconded by Councilperson Gillette to enter into an executive Session for the Attorney’s advice on Tax Certiorari and a on personnel matter at 5:32 p.m. All in favor, motion carried.

Supervisor Fairbrother reconvened the Town Board Meeting at 5:52 p.m.

Supervisor Fairbrother made a motion, seconded by Councilperson Adams to adjourn the Town Board meeting at 5:53 p.m. All in favor, motion carried.

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Date approved: _____ Linda Cross
Town Clerk